



**MASHPEE ZONING BOARD OF APPEALS
MEETING MINUTES
OCTOBER 26, 2016**

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, October 26, 2016, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Chairman, Jonathan D. Furbush, Board Members William A. Blaisdell, Dom DeBarros, and Associate Member, Brad Pittsley were present. Building Commissioner, Michael Mendoza was also present.

PLEDGE OF ALLEGIANCE

Chairman Furbush announced that there were only four board members available. Every petitioner is entitled to have five board members present. When there are five members present, you can have four positive votes and one negative vote and the petition will pass. In order for the petition to pass there must be four positive votes. He will grant a continuance if requested.

NEW HEARINGS

40 Oneida Avenue: Owner, Matthew A. Spears requests a Written Finding under §174-17 of the Zoning Bylaws to allow for construction of a deck and shed on property located in an R-3 Zoning District, Map 65 Parcel 120, Mashpee, MA.

40 Oneida Avenue: Owner, Matthew A. Spears requests a Variance from the front yard setback under §174-31 of the Zoning Bylaws to allow for construction of a deck and shed on property located in an R-3 Zoning District, Map 65 Parcel 120, Mashpee, MA.

Mr. Mathew Spears, the homeowner said he's planning to build a deck and a shed on his property. He said he removed the old deck a couple months ago because it was not safe. He wants to rebuild the new deck in the same area but would like to expand it. The deck is an "L-shaped", wrapping around the corner of the house. It will come out 12' on both adjacent sides of the house. Therefore the long sides of the deck will be 24' and approximately 432 sq. ft. He said the rear setback will be the same as the previous deck, and will not cover the septic tank. The shed will have a 15 ft. setback and will consist of 10 x 12 construction. He said he would like to keep the shed aligned with the house due to the topography of his lot. He said he's requesting a 7.7 ft. variance in the front. The lot coverage is 11.9%.

Chairman Furbush read the Board of Health comments into the record; "septic tank location to be shown on engineered site plan. Deck cannot cover the septic tank access manholes. Deck supports cannot be placed on top of septic tank. Shed location is ok".

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Chairman Furbush read the Inspection Department and Conservation comments into the record.

Mr. Blaisdell made a motion to approve the Written Finding conditioned upon the department comments read into the record. Also based on a plan titled; "Emergency Septic Repair", and a "Foundation Certification" plan. Mr. DeBarros seconded. All were in favor of the deck and shed project.

Mr. Blaisdell made a motion to approve the 7.7 ft. front setback Variance conditioned upon the department comments read into the record. Also based on a plan titled; "Emergency Septic Repair", and a "Foundation Certification" plan. Mr. DeBarros seconded. All were in favor of the deck and shed project.

120 Summersea Road: Owners, James I. and Ellen B. Goodman requests a Modification to an approved Written Finding (FINDING-2016-08), under §174-17 of the Zoning Bylaws to allow for changes to a retaining wall on property located in an R3 Zoning District, (Map 105 Parcel 52), Mashpee, MA.

Mr. Joe Colasuonno represented the homeowners to amend the existing site plan to reflect the changes that were made on site. The approved design had a retaining wall that was about 50 ft. long by 8 ft. wide, and ran along the south side of the property. The original design had sliding doors to be located in the retained area with a set of steps going out towards the water but that was impossible to build, and would have required a 12 ft. retaining wall two feet off the property line and would have been encroaching on the neighbor's property. Instead they installed a couple of window wells in both of those locations. The bulk head will be installed on the other side of the house as depicted on the plan.

Chairman Furbush read the Inspection Department and Conservation Department comments in the record. The Board of Health had no comments.

Mr. Blaisdell made a motion to approve the Modification under the conditions of the Written Finding and the department comments read into the record. Also conditioned on the **Plot Plan titled:** "Plan of Land to Accompany a Zoning Board of Appeals "Minor Modification" Filing, at #120 Summersea Road, Mashpee, MA. Prepared For: James & Ellen Goodman 46 White Oak Lane, Sudbury, MA 01776, Rev. 1: Add Window Wells, Remove Walkout. Prepared by the BSC Group, 349 Route 28, West Yarmouth, MA, Scale: 1" = 10, Date: 12/22/2015, File: P: \Prj\49959-SP-5.DWG, Dwg. No: 6317-03, Job No.: 49959.00, Filed: FF, Sheet 1 of 2, and Sheet 2 of 2. Mr. DeBarros seconded. All were in favor of the modification to the house project.

9 Chart Way: Owner, Lynn Giacchetto, Trustee requests a Written Finding under §174-17 of the Zoning Bylaws to raze and replace a single-family dwelling on property located in an R-3 Zoning District, Map 106 Parcel 17, Mashpee, MA.

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9 Chart Way: Owner, Lynn Giacchetto, Trustee requests a Variance under §174-31 of the side, front and rear yard setbacks and lot coverage, and §174-33, setback from wetlands of the Zoning Bylaws to raze and replace a single-family dwelling on property located in an R-3 Zoning District, Map 106 Parcel 17, Mashpee, MA.

Attorney, Mark Gildea represented the homeowners for this project. The homeowner was also present. He provided the Board a detailed history of the existing dwelling, including a previously granted Variance for the front setback and lot coverage. He also had a detailed plot plan for the proposed new dwelling. The lot is undersized and is approximately 9,266 sq. ft. (upland). The existing dwelling is one of the original New Seabury properties built back in 1965.

Mr. Gildea said that this proposed project is not increasing any nonconformity but rather maintains the setbacks that exist today. He described the proposed dwelling to be approximately within the same footprint as the existing dwelling. The right hand side of the property shows a greater setback of 8.9 ft., proposed, the present setback is 7.7 ft. The front setback remains at 24.5 ft. The side setback to the north remains at 15.5 ft., and the present front setback from the wetlands is 20.3 ft., and going further away from the wetlands to approximately 20.9 ft. The lot coverage is 28.9% and will remain at 28.9% with the lot size at 11,000 sq. ft. and 9,266 sq. ft. upland. This project has already been approved by the Conservation Commission and the ARC.

Mr. Gildea said he received comments from the Board of Health that they had reviewed the original floor plans that were submitted with the ZBA application showing four bedrooms, however the septic only allows for three bedrooms and would have to be upgraded. Mr. Gildea provided revised floor plans depicting a master bedroom on the first floor and two bedrooms on the second floor, and a den with a highlighted 6 ft. opening.

Chairman Furbush read the Conservation Comments with no issues. He read the Board of Health comments that require an asbestos inspection. He also read the Inspection Department comments into the record.

Mr. Blaisdell made a motion to approve the Written Finding, and under the following conditions and department comments read into the record. Also a drawing titled: Site Design Plan: Owner of Record: Lynn Giacchetto, Giacchetto Family Irrevocable Gifting Trust, 65 Eagle Drive, Canton, MA 02021, Applicant: Lynn Giacchetto, 65 Eagle Drive, Canton, MA 02021, Project: "Site Plan to accompany Notice of Intent 9 Chart Way, in Mashpee, MA. Sheet No.: 1 of 1, Date: 5/20/16, DWG File: Chart_9, Scale: As noted, Approved by: MC, Checked by: MC, Drawn by: WD, Prepared by: Cape & Islands Engineering, Revision: 1, 8/17/16; Revised Proposed House Footprint, by MC, Appr. MC. Also referencing a floor plan; titled; Giachetto Residence, 9 Chart Way, Mashpee, MA, by ArchiPlicity, Jennifer Drain, 15 Cottage Terrace, Plymouth, MA. Construction Documents (Permit Set), Sheet name: First Floor Plan, Window, Door Schedule, Scale as noted, dated 9/14/16, Drawn by; JD, Sheet No. 1. Sheet No. 2 Second Floor and Framing Details 10/12/16. Mr. DeBarros seconded. All were in favor of the raze and replace project.

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Mr. Blaisdell made a motion to issue a Variance in the amount of 6.1 ft. on the side yard 15.5 ft. on the front setback, 30,735 sq. ft. on the lot size, 110 ft. on the lot frontage, and 8.9% lot coverage. Also the Board determined the applicant meets the 50 ft. setback from the wetlands. This motion is also conditioned upon the department comments read into the record, and the plot plan and floor plan that were previously read into the record. Mr. DeBarros seconded. All were in favor of the Variance for the raze and replace project.

36 Valley Road: (*Owner is requesting a continuance until the November 9, 2016 hearings*). Mr. Blaisdell made a motion to accept the continuance. Mr. DeBarros seconded. All were in favor.

166 Wheeler Road: (*Petitioner is requesting a continuance until the November 9, 2016 hearings*). Mr. Blaisdell made a motion to accept the continuance. Mr. DeBarros seconded. All were in favor.

304 Shore Drive: (*Owner is requesting a continuance until the November 9, 2016 hearings*). Mr. Blaisdell made a motion to accept the continuance. Mr. DeBarros seconded. All were in favor.

419 Monomoscoy Road: (*Attorney is requesting a continuance until the November 9, 2016 hearings*). Mr. Blaisdell made a motion to accept the continuance. Mr. DeBarros seconded. All were in favor.

419 Monomoscoy Road: (*Attorney is requesting a continuance until the November 9, 2016 hearings*). Mr. Blaisdell made a motion to accept the continuance. Mr. DeBarros seconded. All were in favor.

OTHER BUSINESS

-Approve September 28, 2016 Meeting Minutes

Mr. Pittsley made a motion to approve the meeting minutes. Mr. Blaisdell seconded. All were in favor.

Mr. DeBarros made a motion to adjourn. Mr. Blaisdell seconded. All were in favor. The meeting adjourned at 7:00 pm.

Respectfully submitted,

Mary Ann Romero
Administrative Secretary
Zoning Board of Appeals